

# TITLE VI PROGRAM PLAN

## GEORGIA DEPARTMENT OF TRANSPORTATION



EQUAL EMPLOYMENT OPPORTUNITY DIVISION

August 2011

# Georgia Department of Transportation Title VI Program Plan and Update

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## **TITLE VI POLICY STATEMENT**

The Georgia Department of Transportation (GDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. GDOT assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, GDOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As provided under Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), GDOT shall not discriminate on the ground of sex and GDOT shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

When GDOT distributes federal aid funds to sub-recipients, sub-recipients will include Title VI language in all written agreements and will monitor for compliance.

GDOT's Equal Employment Opportunity Division (EEO) is responsible for initiating and monitoring Title VI activities, preparing required reports and other GDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

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Vance C. Smith, Jr.  
Commissioner

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Date

# INTRODUCTION

In compliance with Title VI, Georgia Department of Transportation (GDOT) in implementing this plan shall consistently strive to prevent discriminatory practices in its programs, policies and activities from occurring. Proactive measures shall be undertaken on a continuum to achieve meaningful public participation and to ensure that treatment, services, contracting opportunities, training opportunities, investigation of complaints, fund allocations and project prioritization are accorded without regard to race, color, national origin, sex, age or disability.

Georgia is a diverse state with many races and languages. Outreach and education is the key to helping citizens and communities in Georgia understand what Title VI is and how it can extinguish discrimination. To that end, the Department shall ensure that its activities, policies and programs will not treat any part of the community any differently than another.

This implementation plan identifies with specificity GDOT's Title VI roles and responsibilities as it relates to core program areas, data collection practices, assurances, policies and procedures. Additionally, the Department requires its managers, supervisors, employees, and sub-recipients of Federal-aid funds administered by the Department to be aware of and routinely apply Title VI of the Civil Rights Act of 1964 in performing assigned duties.

Increased awareness is facilitated through the use of district and headquarters Title VI liaisons who actively participate in FHWA and GDOT training classes. Title VI liaisons represent the program areas of Construction, Transportation Services Procurement, Training and Development, Environmental Services, Planning, Roadway Design & Design Policy and Support, Bridge Design and Right of Way and they assist GDOT and its sub-recipients maintain a proactive posture. By providing the requisite education needed, by developing and employing communication strategies and by engaging in continuous interaction to ensure nondiscrimination in all programs, policies and activities, the department and its sub-recipients will consistently remain compliant with Title VI of the Civil Rights Act of 1964 and all related statutes and regulations in its programs, policies and activities.

The Equal Employment Opportunity (EEO) Office shall develop, oversees and enforce GDOT's Title VI plan and program compliance which shall become effective upon review and approval by the Federal Highway Administration (FHWA).

## II. DEFINITIONS

[As used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5]

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of persons, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of GDOT programs, policies, or activities

**Affirmative Action** - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

**Beneficiary** - Any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

**Citizen Participation** - An open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

**Compliance** - A satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

**Deficiency Status** - the interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

**Discrimination** - that act or action whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

**Facility** - includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction.

**Federal Assistance** includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

**Limited English Proficiency** – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the GDOT.

**Low-Income** – Refers to a person whose median household income is at, or below the Department of Health and Human Services poverty guidelines. (<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

**Low-Income Population** - Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed GDOT program, policy, or activity.

**Minority** – A person who is:

- Black – a person having origins in any of the black racial groups of Africa;
- Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- American Indian and Alaskan Native – a person having origins in any of the original people of North American and who maintains cultural identification through tribal affiliation or community recognition.

**Minority Population** - Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed GDOT program, policy or activity.

**Noncompliance** - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

**Persons** - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

**Program** - Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health,

welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipients.

**Program Area Officials** - Are the officials in FHWA who are responsible for carrying out technical program responsibilities.

**Recipient** - Means any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient (sub-recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

**State Highway Agency** - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State highway agency if the context so implies.

**Secretary** - The secretary of Transportation as set forth in 49 CFR 21.17(g) (3) or the Federal Highway Administrator to whom the Secretary has delegated authority in specific cases.

**Significant Adverse Effects on Minority and Low-Income Populations** - An adverse effect which:

- Is predominately borne by a minority population and/or a low-income population, or;
- Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

**Sub-recipient** - An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOTs and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

**Title VI Program** - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, disability or age in programs receiving Federal financial assistance.

## **I. ORGANIZATION, STAFFING & RESPONSIBILITIES**

### **A. TITLE VI ORGANIZATION AND STAFFING**

The Commissioner of the Georgia Department of Transportation (GDOT) is responsible for ensuring the implementation of the department's Title VI program. The Director of the Equal Employment Office (EEO) is responsible for the overall management and implementation of the Title VI program on behalf of the Commissioner. However, the day-to-day administration of the program lies with the Title VI Specialist under the direct supervision of the Assistant EEO Administrator who reports to the Director of EEO.

The Title VI Coordinator recognizes that each core program area has significant Title VI responsibilities. For that reason, the Interdisciplinary Team comprised of headquarters and district office Title VI Liaisons was assembled to coordinate responsibilities and create ongoing awareness of Title VI and what it requires GDOT to do. One person from each of the following core department areas serve as a Title VI liaison:

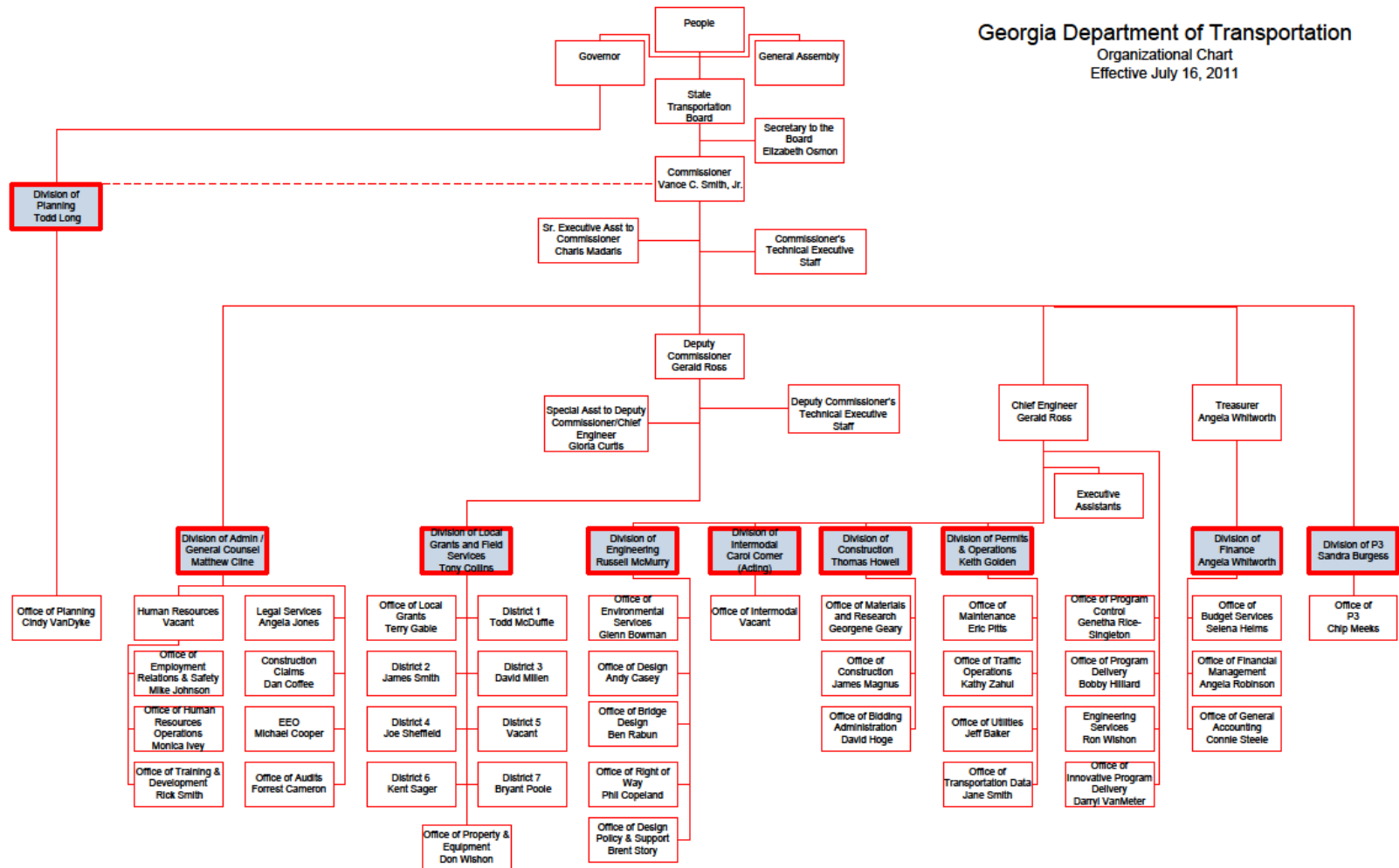
- Office of Construction
- Office of Transportation Services Procurement
- Office of Training and Development
- Office of Environmental Services
- Office of Planning
- Office of Roadway Design and Design Policy & Support
- Office of Bridge Design
- Office of Right of Way
- Office of Research
- 7 District Office Liaisons

Title VI liaisons are responsible for ensuring compliance, program monitoring, disseminating Title VI concerns to the Title VI Specialist and addressing Title VI issues in their respective areas.

The Equal Employment Office Director (EEO) and the Assistant Equal Employment Opportunity (AEEO) have as free and open access to the Commissioner on civil rights matters. The AEEO remains responsible for ensuring that all matters relating to nondiscrimination are administered effectively and delegates specific and general Title VI responsibilities to the Title VI Coordinator for execution. Additionally, the EEO Director and AEEO communicate with the Commissioner, the Division of Administration/General Counsel and other officials as appropriate to ensure compliance.

- GDOT Organizational Chart – Figure 1
- Equal Employment Opportunity Organizational Chart – Figure 2





**FIGURE 1 – GDOT Organizational Chart**

# EQUAL OPPORTUNITY OFFICE ORGANIZATIONAL CHART

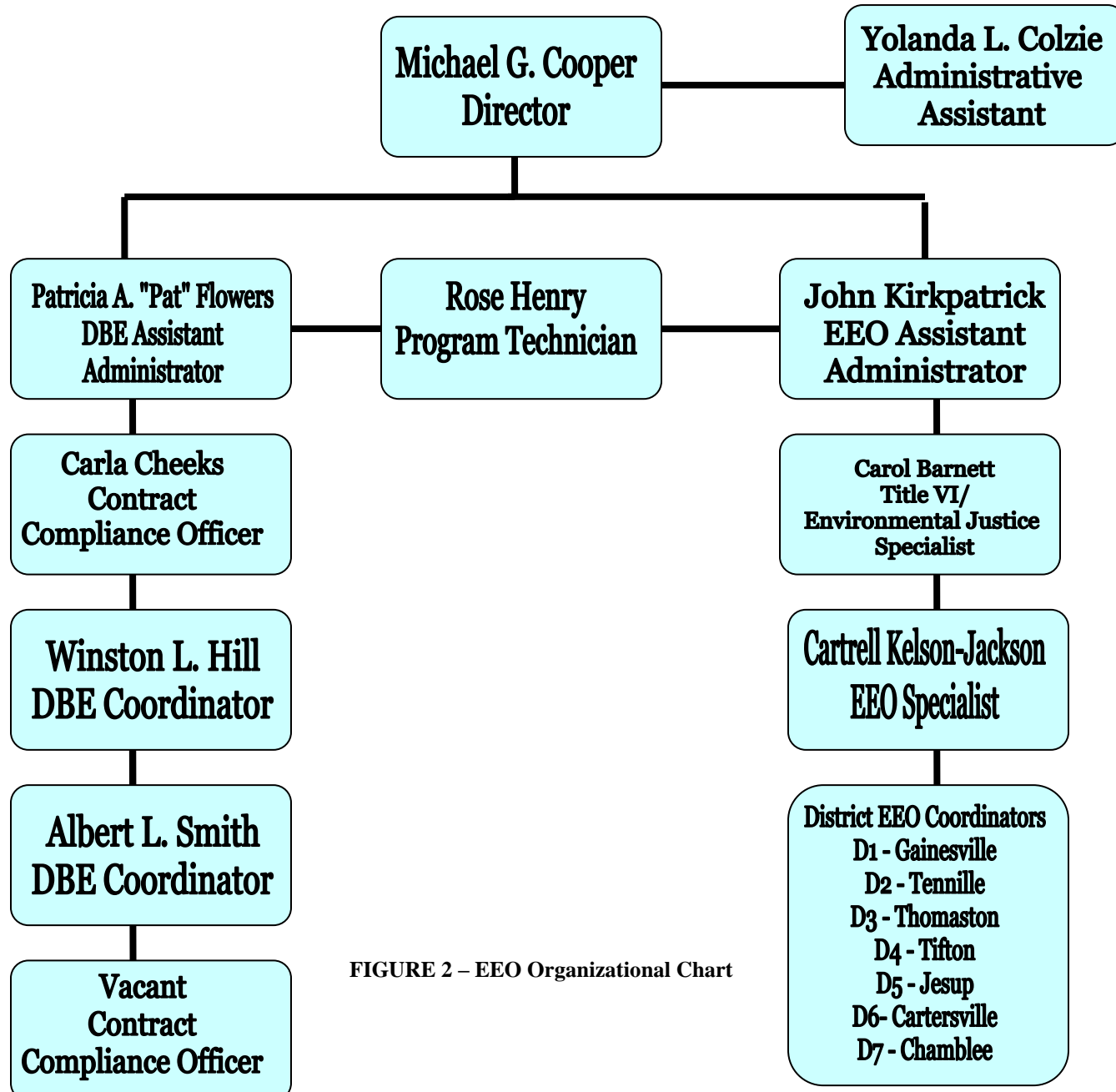


FIGURE 2 – EEO Organizational Chart

## **B. TITLE VI COORDINATOR RESPONSIBILITIES**

The Title VI Coordinator has specific and general Title VI responsibilities which include the Title VI Program implementation, monitoring and ensuring that GDOT achieves and remains in compliance with Title VI regulations. Specific Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by GDOT.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens, and affected communities. Review Environmental Impact Statements for Title VI and Environmental Justice compliance.
3. Conduct annual Title VI reviews of special emphasis program areas (right-of-way, planning, construction, etc.) to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal aid highway funds.
5. Review state program directives in coordination with Title VI liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and GDOT sub-recipients of federal funds.
7. Prepare the annual Title VI update report presenting the accomplishments for the past year and goals for the next year.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
9. Conduct pre and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the state.
10. Identify, investigate and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.
12. Provide technical assistance to sub-recipients in the development of their Title VI Plan and assurances.

## **C. PROGRAM ADMINISTRATION -- GENERAL**

The Title VI Coordinator shall be responsible for the overall administration of the Title VI and shall coordinate the overall administration of the Title VI program, plan, and assurances (See Section 6).

- I. **Program Administration.** Administer the Title VI program and coordinate implementation of the plan with Title VI liaisons and key GDOT personnel. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Assistant EEO Administrator.
- II. **Complaints.** If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, income, sex, or disability, s/he may exercise their right to file a complaint with GDOT. Every effort will be made to resolve complaints informally at the regional/division, sub-recipient, and contractor's level (See Section 7 – Complaint Procedures).

- III. **Data Collection.** Statistical data on race, color, national origin and the sex of participants in, and beneficiaries of GDOT programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained in the EEO for the department. Each Title VI special core program areas will maintain data to be incorporated in the Title VI Annual Update.

The Title VI Coordinator shall research the most current information available from: Metropolitan Planning Organizations (MPO), Regional Development Commissions (RDC), GDOT's Planning and Environmental Services offices, the US Census Bureau, the Georgia Statistic System website, schools in the project area, and local municipality demographic websites to obtain statistical data on race, color, national origin and sex of participants in, and beneficiaries of GDOT programs.

- IV. **Environmental Impact Statements.** Title VI Specialists shall review environmental impact statements/assessments (EIS/EA) for Title VI and Environmental Justice (EJ) compliance. GDOT's shall take reasonable steps to ensure that its proposed projects do not cause disproportionately high and adverse human health, environmental, social or economic impacts to low income population, minority populations and limited English proficient persons. NEPA files shall be reviewed by Title VI Coordinator for all proposed GDOT projects. Title VI Specialists shall have direct access to environmental project reports via Environmental Services' work product database. The Title VI Coordinator shall verify the information therein by conducting follow-up checks, i.e. researching US Census information, contacting schools in the project area, consulting the Georgia Statistic System website, checking local municipality demographic websites and reviewing the Planning Office's latest outreach report.
- V. **Training Programs.** Title VI training will be made available annually to contractors, sub-recipients, and GDOT employees. Information presented during Title VI training shall include: roles, duties and responsibilities, core program area Title VI issues and suggested mitigation strategies, and complaint procedures. The Title VI Annual Update Report shall identify all Title VI training conducted during the report period.
- VI. **Title VI Plan Update.** An annual Title VI Plan Update will be submitted to FHWA in November of each year. The update will identify accomplishments and changes to the program occurring during the preceding fiscal year. The Update shall also include goals and objectives for the upcoming year.
- VII. **Annual Reports.** An executive summary shall be prepared by the Title VI Coordinator and shall be submitted to the EEO Assistant Administrator annually. The report shall include Title VI accomplishments achieved by the Title VI Coordinator and each core program area during the fiscal year.
- VIII. **Public Dissemination.** Work with agency staff to develop and disseminate Title VI program information to GDOT staff, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, displays at Public Information Open House proceedings and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

- IX. **Maintain Legislative and Procedural Information.** Federal laws, rules and regulations, GDOT guidelines, the current GDOT Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of GDOT's Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to the public on the EEO website or as requested or required. Provide technical assistance to sub-recipients in the development of their Title VI Plan and assurances.
- X. **Annual Review of Title VI Program.** After completing the Title VI Program Annual Report, the Assistant EEO Administrator and the Title VI Coordinator shall assess the EEO's administrative procedures, staffing and resources available to maintain Title VI compliance.
- XI. **GDOT Semi-Annual Program Reviews.** Conduct semi-annual Title VI reviews of special core program areas: Construction, Procurement Services, Roadway Design, Policy & Support, Bridge Design, Training and Development, Planning, Environmental Services, Right-of-Way and Research in GDOT's Headquarters Office. District Office Liaisons shall receive Title VI review training after which liaisons will conduct Title VI reviews in their respective offices. All reviews will be forward to and maintained by the Title VI Coordinator.
- XII. **Title VI Reviews of Sub-recipients.** Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal aid highway funds. The Title VI Coordinator retrieves sub-recipient lists from two different sources, i.e. Office of Procurement Services consultant lists are in People Soft and LPA data is reported in CEMIS. GDOT's Information Technology Department shall merge the data enabling the Title VI Coordinator to retrieve one list that shall capture all sub-recipient by December 2011. The Title VI Coordinator uses a spreadsheet to track sub-recipient reviews. Information captured on the spreadsheet includes: LPA/Institution Name & Project Number, type of project & Federal dollar amount, self-survey, assurances, and Title VI plan/Nondiscrimination Agreement dates, training date, number of Title VI complaints. Priority for conducting reviews will be given to LPAs, Metropolitan Planning Organizations (MPO) and other sub-recipients of federal funds having the greatest impact or potential of impact to those groups covered by the act.
- XIII. **Pre-award and post-award approval reviews.** GDOT shall conduct routine checks prior to releasing funds to ensure that recipients have submitted assurances of Title VI compliance and to ensure that recipient does not operate in a discriminatory manner. Whether the pre-aware review is a desk-audit review or an on-site review, or if a Title VI violation is discovered, every attempt to secure the prime contractor's voluntary compliance will be made by the Title VI Coordinator. Post award reviews of the prime contractor shall be conducted periodically or as warranted to ensure that the recipient remains in compliance with Title VI.
- XIV. **Elimination of Discrimination.** Procedures shall be implemented to identify and eliminate discrimination when found to exist, including, but not limited to requiring core program area employees to attend training offered by the National Highway Institute (NHI), providing contract opportunities to Minority/Women/Disadvantaged Business Enterprises (DBE), and devising effective strategies for eliciting on-going public involvement.
- XV. **Remedial Action.** GDOT will proactively strive for Title VI compliance. Should Title VI deficiencies occur, steps necessary to ensure GDOT's and/or its sub-recipient's compliance shall be taken. Corrective action will be taken to resolve Title VI issues arising during the administration of the federal-aid highway program. GDOT shall document all sub-recipient compliance reviews. Should a sub-recipient fail to meet compliance guidelines established by

FHWA, remedial action agreed upon by GDOT and the FHWA will be reduced to writing in the form of a report which will be presented to the sub-recipient. Said report will indicate the nature of the Title VI violation, identify corrective measures that must be effectuated, and identify the period of time required to complete the corrective measures, which shall not exceed 90 days.

GDOT shall seek the cooperation of the sub-recipient in correcting deficiencies found during the review. GDOT will also provide technical assistance and guidance necessary to elicit the sub-recipient's voluntary compliance.

Should a sub-recipient refuse or fail to voluntarily comply with Title VI requirement within the timeframe allotted, GDOT will submit the case file to FHWA recommending that the sub-recipient be found in noncompliance.

A follow-up review shall be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with Title VI Program requirements in correcting deficiencies previously identified. Should the sub-recipient refuse to comply, GDOT may, with FHWA concurrence, initiate sanctions per 49 CFR §21.13 (Procedure for effecting compliance).

## **D. TITLE VI LIAISONS**

In addition to the Title VI Coordinator, each of the core emphasis program areas listed below shall appoint a Title VI liaison. The liaison shall be responsible for ensuring Title VI compliance, program monitoring, completing program area Title VI update report, and addressing Title VI issues within their respective program areas. The Title VI Coordinator shall meet quarterly with all Title VI liaisons to discuss issues regarding program implementation and compliance monitoring activities. The core program areas within GDOT are as follows:

- Office of Construction
- Office of Transportation Services Procurement
- Office of Training and Development
- Office of Environmental Services
- Office of Planning
- Office of Roadway Design and Design Policy & Support
- Office of Bridge Design
- Office of Right of Way
- Office of Research
- 7 District Office Liaisons

Annually, each Title VI Liaison shall submit a Title VI Annual Accomplishment and Upcoming Goal Report to the Title VI Coordinator in compliance with FHWA 23 CFR. Unlike liaisons situated within the general office, each District Office liaison shall be responsible for all program areas within their respective district office. However, all employees including administrators in the general office and the district offices, Title VI liaisons and the Title VI Coordinator shall work collaboratively to maintain a heightened level of Title VI responsibilities, requirements and compliance standards.

### **1. DIVISION OF CONSTRUCTION**

The Division of Construction shall be responsible for the administration of new construction projects. It shall have oversight responsibilities to ensure that cities, counties, and MPOs comply with the administrative requirements of Title VI. The Planning Office shall perform project management

reviews to ensure that local agencies adhere to Title VI administrative requirements and shall advise and assist local agencies in the management of Title VI complaints.

### **Title VI Liaison Responsibilities**

The Division of Construction Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the department's construction process. The Liaison shall:

- Ensure that Federal-aid construction contracts contain required contract provisions which shall be made a part of and physically incorporated into, all contracts, subcontracts, as appropriate and purchase orders as stipulated in Form FHWA-1273. The required provisions shall:
  1. Prohibit discrimination based on race, color, sex, national origin, age or disability
  2. Provide for EEO
  3. Require payment of pre-determined minimum wages
  4. Stipulate subcontracting requirements and limitations
  5. Mandate compliance with health and safety standards at the work place;
  6. Require compliance with all appropriate environmental regulations among the noted provisions; and,
  7. Ensure that all special provisions, i.e. Buy America, DBE special program provisions, stipulated specific DBE goals, etc are incorporated in Federal-aid contracts.
- Effectively identify and extinguish the unfair advantage, if any, by providing equal economic opportunity for all qualified contractors to compete for project awards.
- Enforce bid advertising and bid opening procedures—Plan, Specification and Estimate (PS&E) approval and project authorization to proceed based on assurances that right-of-way requirements have been met or that arrangements have been made for coordination during construction; relocation of individuals and families have been properly addressed; the public involvement/hearing process and the location and design approval process have been addressed satisfactorily; 23 CFR Part 771 provision requirements fulfilled and appropriate measures shall be included in the PS&E to ensure all conditions and commitments made in the development of the project to mitigate environmental harm are met; completion of area wide review shall be accomplished; and, the PS&E for information signs and traffic control devices shall conform to standards, shall not include promotional or other information signs identifying public officials, contractors, organizational affiliations and related logos and symbols.

Advertising policies and practices shall assure free and open competition which includes requirements and practices involving—licensing, bonding, prequalification and bidding and Title VI nondiscrimination assurances with regard to age, race, color, sex, national origin or disability

Projects for bid shall be listed in the Notice to Contractor (NTC) which shall be posted on the GDOT's Office of Construction Bidding Administration's website, provide information via the State Procurement (DOAS) and advertise in newspapers, trade journals or other appropriate media for at least the minimum advertisement period of 3 weeks. Addendums shall issue to correct plan and/or specification errors or to append current contract document items, i.e. wage rate schedules, certified DBE firm lists, etc

Sealed bids shall be submitted to GDOT, opened at bid letting, read aloud either item-by-item or by total amount. All unread bids shall identify the bidder and the reason for not reading the bid announced and a successful bid opening shall identify the responsible bidder submitting the apparent lowest, responsive bid. However, GDOT shall have written procedures justifying the award of a contract, or rejection of the bid, when the low bid appears excessive. GDOT's bid analysis process shall justify the award or rejection of bids.

- GDOT shall provide the notice of award to the contractor and forward all paperwork to the contractor for his/her surety company. The prime contract shall be required to perform at least 30 percent of the contract work or in some instances, GDOT shall be more restrictive by specifying a higher percentage if necessary.
- GDOT's project engineer shall be cognizant of the contractual requirement(s) and shall monitor the contractor for compliance focusing on whether discriminatory practices exists with respect to hiring, firing, training, promotion, wages, payment schedule and utilization of employees. Also noting whether the contractor is in compliance with the EEO specification.

## **2. OFFICE OF TRANSPORTATION SERVICES PROCUREMENT**

The Office of Transportation Services Procurement (TSP) is responsible for consultant selection, negotiation, and administration of GDOT's consultant contracts and operates under GDOT's internal contract procedures and all relevant federal and state laws. (TSP) is tasked with the selection and procurement of services in direct support of GDOT planning, preconstruction, construction, maintenance initiatives, miscellaneous project support and alternative project delivery methods, and other procurements supporting transportation programs. This work includes placement of all architectural and engineering services contracts. Task orders submitted to the Consultant Selection Board or from a scored and ranked register which initiates the consultant selection process. Upon completion of the consultant selection process, TSP shall assist the department's project manager with negotiations and administration of the contract. The office shall comply with provisions set forth in Title 23 Code of Federal Regulations Part 172, Title 48 Code of Federal Regulations Part 31.

### **Title VI Liaison's Responsibilities**

The Office Transportation Services Procurement Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. The Liaison will:

- Monitor DBE program requirements.
- Include Title VI language in contracts and Requests for Proposals (RFP) as described below:
- Ensure the text in Appendix A of Addendum 1 is included in all agency contracts.
- Notify all contractors that the text in Appendix A of Addendum 1 (minus section 6) should be included in all subcontracts.
- Ensure the Title VI Notice to the Public is included in all GDOT RFPs.
- Ensure the abbreviated Title VI Notice to the Public is included in all published announcements of GDOT's RFPs (such as those published in newspapers).
- Ensure the text in number 2 of the GDOT Title VI Assurances (Addendum 1) is included in all GDOT RFPs.



- Maintain necessary data and documentation required for completion of the department's Title VI Update Annual Report.

### **3. OFFICE OF TRAINING AND DEVELOPMENT**

The Office of Training and Development shall provide the tools needed for GDOT's employees to succeed in today's workforce. Opportunities for training shall be provided and resources needed to assist, manage and develop high performance teams shall be readily available.

#### **Title VI Liaison's Responsibilities**

The Office of Training and Development Title VI liaison shall be responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the office's training process. The Liaison will:

- In conjunction with managers and executives, ensures that all employees have equal access to training.
- monitor the selection of participants interested in taking part in the training workshops
- Ensures accessibility to Minority/Women/Disadvantage Business Enterprise consulting/training firms to compete for training contracts.
- Report on a monthly basis the number of applicants, and the sex and ethnicity of applicants attending training classes and workshops.
- Review the selection of instructors for training courses and workshops to determine if fairness was used in the selection process and to assure equal opportunity on all training contracts.
- Maintain program administration documentation and data necessary for preparation of Annual Title VI Update.
- Reviews directives and manuals to ensure adherence with Title VI requirements.

### **4. OFFICE OF ENVIRONMENTAL SERVICES**

The Office of Environmental Services (OES) shall assist in the integration of environmental considerations and regulatory requirements into GDOT's transportation program. OES shall provide technical expertise for project analyses and develop environmental policies, procedures, manuals, and training. OES shall work with regulatory agencies to streamline the environmental permit process. A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic. OES also shall serve as a forum for GDOT, MPO's, local agencies, and the public in the development of transportation plans and programs; and for public involvement in the project selection process in accordance with Public Involvement Process. Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), Georgia Environmental Policy Act (GEPA) checklist, GEPA Determination of Non-significance (DNS), or NEPA and/or GEPA Environmental Impact Statement shall be completed. The Office of Environmental Services also develops agreements, guidance documents and training programs with the Regulatory and Resource Agencies.

Specific to public outreach and Limited English Proficient persons, the Office of Environmental Services shall:

1. Implement a public involvement policy which specifically includes GDOT's commitment to Title VI compliance;

2. Continue to make every effort to hold public meetings in the project corridor in convenient locations, during reasonable times and in venues accessible to the public.
3. Use site visits, census data, and local contacts (local officials, etc) to profile the community so that Limited English Proficient (LEP) persons are accommodated and utilize methods to avoid, minimize or mitigate for disproportionately high and adverse human health and environmental impacts including social and economic impacts to low income and minority populations caused by our policies, programs or activities. Not only shall Title VI information be made available at each meeting but documents shall be translated and/or translators, court reporters, and/or recorders shall be provided at no cost to elicit full participation from all citizens within the affected area; and
4. Provide the opportunity for individuals to learn more about Title VI on a continuum by making available publications in different languages, apprising the public of Georgia DOT's Title VI website and by maintaining ongoing dialogue with the community from the concept stage through to project completion.

#### **Title VI Liaison's Responsibilities**

The Office of Environmental Services (OES) Liaison shall be responsible for state environmental review, and Title VI environmental justice compliance in all aspects of Georgia DOT's work that triggers environmental review requirements under NEPA and GEPA. The Liaison will:

- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Conduct public information meetings to review the project's impact.
- Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems.
- Coordinate the gathering of Environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify and make accessible to affected protected group residents public meetings or public hearings regarding a proposed project.
- Develop and implement effective methodologies employed to identify populations affected by a project.
- Ensure public participation in the location selection process.
- Ensure Title VI/Environmental Justice compliance in all Environmental Impact Statements in coordination with OES's Title VI Liaison.
- The Environmental Affairs Liaison is responsible for state environmental review, and Title VI environmental justice compliance in all aspects of GDOT's work that triggers environmental review requirements under GEPA. The Liaison will:
- Ensure Title VI environmental justice compliance, in coordination with the Title VI coordinator, of all EISs prepared by OES.
- Analyze and make findings regarding the population affected by the action.
- Analyze and make findings regarding the impacts of the project on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups.

- Prepare materials for distribution to local organizations/groups announcing the opportunity to provide comment.
- Review GDOT's activities for compliance with the Public Involvement Process.
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organization, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

## **5. OFFICE OF PLANNING**

The Office of Planning is responsible for developing long-range and short-range transportation plans to provide efficient transportation services for the State of Georgia. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. The Office of Planning coordinates with cities and counties; seeks public involvement; provides technical support when needed; forecasts population and transportation trends that provide the basis for addressing current issues and explores future needs and options that could benefit the region. It also serves as a center for the collection, analysis, and dissemination of information vital to residents and governments in the state. GDOT's statewide and the metropolitan planning process shall encourage a cooperative, continuous framework for making transportation investment decision throughout Georgia and the Metropolitan Area.

The Office of Planning shall:

1. Mitigate for adverse impacts resulting from its project plans and programs by utilizing resources that will encourage effective public involvement/participating in the planning process by transportation stakeholders, ranging from freight community to environmental groups to the general public;
2. Provide opportunity for active involvement of Indian tribal government in statewide and metropolitan transportation planning and programming.
3. Be proactive and seriously consider input from minority groups/persons;
4. Will not implement projects that are inconsistent with nondiscrimination requirements. If a proposed project is potentially inconsistent with the nondiscrimination require, other planned improvements may be selected during the decision process to avoid unnecessary project/program impacts. within the proposed program. area caused by proposed plans and/or programs;
5. During the planning process, collect and analyze data that reflects the metropolitan area and appropriately address:
  - Community boundaries.
  - Racial and ethnic makeup
  - Income levels, property taxes, etc.
  - Community services, schools, hospitals, shopping areas
6. Ensure a balanced view of the Social, Economic and Environmental effects and impacts identified and described by each project, program or activity by utilizing a

7. systematic interdisciplinary approach which increases the likelihood that the overall decision-making process is sensitive to and addresses community impacts.
8. Make every effort to ensure minority and women-owned businesses have opportunities to bid on and undertake contracting opportunities for planning studies, corridor studies, or other work shall be provided to minorities and women.

Those changes reflected in the implementing rules 23 Code of Federal Regulations (CFR) 450, Subpart B, covering statewide planning and Subpart C, covering metropolitan planning shall be observed. Additionally, 23 CFR 500 requiring Management and Monitoring Systems and 40 CFR 51 and 93, dealing with air quality conformity will be strictly construed.

#### **Title VI Liaison's Responsibilities**

The Planning Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the office's planning process. In addition, the Liaison will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Assist the Title VI Coordinator in gathering and organizing the Planning portion of the Annual Title VI Update Report.
- Review the Planning work program and other directives to ensure compliance with Title VI program requirements.
- Ensure equal opportunities for participation on any Citizens Advisory Committee (CAC) by reviewing information pertaining to their selection criteria for CAC members and obtaining information on membership makeup (race, gender, and position within the organization) for evaluation.
- Assist Title VI Coordinator with visits to CAC meetings as well as public meetings when offered in predominantly ethnic minority communities to verify the level of participation of Title VI protected group members. Collect data on gender, race, limited English proficient persons and national origin of public forum attendees.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.
- Continue to ensure participation by staff in roundtable meetings in predominantly minority communities to help guarantee all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Prepare materials for distribution to local organizations/groups announcing the opportunity to provide comments.
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organization, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

#### **6. OFFICE OF ROADWAY DESIGN AND DESIGN POLICY AND SUPPORT (FKA URBAN DESIGN, ROAD DESIGN AND LOCATION)**

The Office of Roadway Design, Design Policy and Support is comprised of the offices formerly known as Urban Design, Road Design, Airport Design and Location. Areas of responsibility shall include: developing construction and right of way plans for roadways within the major urban areas

of the state, which includes metropolitan Atlanta, Savannah, Augusta, Macon, Albany, and Columbus; performing studies to assess various environmental factors as they relate to project development including social and economic elements; providing technical support during the project development process; engineering/design and project management of a variety of urban and rural interstate projects and major arterial projects throughout the State of Georgia including plan preparation for concepts, right-of-way plans, and construction plans. Additional design projects include Safety Rest Areas, Welcome Centers, and Truck Weigh Stations, highway lighting projects, and minor airport design projects in rural Georgia. Additional responsibilities include providing engineering technical support to GDOT staff and consulting engineering firms in the areas of Design Policy, Hydraulic & Hydrology Studies, Georgia Standard Drawings & Construction Details, CADD Standards, prepare concept design, prepare surveys and Civil Design Software.

#### **Title VI Liaison Responsibilities**

The Office of Roadway Design and Design Policy and Support Title VI Liaison shall be responsible for evaluating and monitoring compliance with Title VI requirements in the development of construction and right of way plans process. In addition, the Liaison shall:

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data on hearing attendees.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the Title VI Annual Update Report.

### **7. OFFICE OF BRIDGE DESIGN**

The Office of Bridge Design works primarily with roadway designers of Roadway Design and the District offices to design the structures that they need on their projects. Though this typically consists of bridges, they also design walls and culverts and anything else that requires structural design. The State Bridge Maintenance Engineer serves as an assistant to the State Bridge Design Engineer. He shall be responsible for inspecting all the bridges and bridge culverts in the State (including county bridges) every two years; maintaining maintenance records, setting sufficiency ratings of bridges and maintaining old plans for bridges; evaluating bridges. It is important to coordinate with the maintenance office when doing work that will affect existing bridges.

#### **Title VI Liaison Responsibilities**

The Office of Bridge Design Title VI Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in the design process. In addition, the Liaison will:

1. Ensure that all aspects of the location selection process comply with the Title VI requirements.
  - Consult                      and                      seek                      input                      from                      affected                      populations.

- Develop mechanisms to identify affected populations.
- Ensure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data.
- Monitor program components for compliance with Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the Title VI Annual Update Report.

## **8. OFFICE OF RIGHT OF WAY**

The Office of Right of Way manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. The office falls under the Division of Engineering. The Office of Right of Way shall participate in informational meetings and shall address Title VI acquisition, relocation and appraisal concerns expressed by all attendees. After each meeting, Right of Way personnel will respond in writing to all written comments taken during the informational meeting. The property acquisition process follows the Right of Way Manual and all applicable laws, regulations and Title VI requirements.

### **Title VI Liaison Responsibilities**

The Right of Way Liaison ensures that appraisals, purchases, and sales are conducted on a nondiscriminatory basis through standardization of procedures, uniformity of administration, and published information that concerns Title VI considerations in brochures, pamphlets and public notices. In addition the Liaison will:

- Ensure participation by Minority/Women/Disadvantaged Business Enterprises as identified by the Equal Employment Opportunity Division (EEO) in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management.
- Ensure participation by minority/women disadvantaged business appraisers by updates to fee appraiser directories identifying minority and female appraisers.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- Conduct annual implementation reviews of Title VI provisions within the entire real estate acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendix B and C of Addendum 1).
- Gather the statistical data required for completion of GDOT's Annual Title VI Update Report including awards to minority and female appraisers, number of relocations, etc.

**9. GDOT District and Satellite Offices**

The District and Satellite offices have oversight responsibilities to ensure that all of their special emphasis program areas comply with Title VI requirements within the region. These offices will coordinate efforts with EEO and the General Office Title VI liaisons for Title VI compliance.

## **ACCOMPLISHMENTS FOR FISCAL YEAR 2009/2010**

### **Title VI Interdisciplinary Team**

The Interdisciplinary Team met once during this reporting period. In attendance were members representing the following GDOT program areas:

- Office of Construction
- Office of Transportation Services Procurement
- Office of Training and Development
- Office of Environmental Services
- Office of Planning
- Office of Roadway Design and Design Policy & Support
- Office of Bridge Design
- Office of Right of Way
- Office of Research and Development
- 7 District Office Liaisons

The Equal Opportunity Director facilitated the meeting and the following subject matter was discussed:

- The August 2007 Title VI Plan
- Defined liaison duties and responsibilities by distinguishing between headquarters responsibilities (program area specific) vs. district office responsibilities, i.e. (broader in scope; includes all district program areas);
- Addressed questions concerning the Annual Accomplishment Report
- Upcoming Title VI website
- New Title VI Brochure

District and Headquarter liaisons have been instrumental in developing strategies to achieve more effective outreach practices. During this reporting period, the following methods of enhancing GDOT's outreach efforts were employed:

- Increased coordination between GDOT and Local Governments, Consultants and GDOT staff ensures that all interested parties are accommodated. Information concerning upcoming meetings is disseminated by advertising in local newspapers, television and radio stations, posting signs along the project periphery and/or mailing letters to affected persons and individuals with specific interests within the project area;
- Utilization of convenient public meeting locations – Dublin Mall and the Milledgeville Mall were utilized to increase public participation;
- Office of Planning's public involvement plan – Surveys were sent out to participating counties, school districts, cities in printed and electronic form not only to obtain the public's information and thoughts concerning transportation



- within the region but also to target a broad racial cross-section of the community; and
- Limited English Proficiency materials and/or interpreters are consistently provided.

## **Presentations and Training**

Thirteen Annual Title VI classes were conducted during this reporting period. The training was facilitated by the Title VI Coordinator and attendees included employees from the general and district offices. Title VI principles, policies, federal laws, regulations and effective practices as it relates to GDOT's role, responsibilities and core program areas were identified and discussed during the slide presentation.

City and Local Government Officials participated in Local Administered Project (LAP) classes in which Title VI and Disadvantage Business Enterprises (DBE) pertinent laws, regulations and procedures were addressed. The classes were administered by either the Office Director or the Title VI and DBE Coordinators.

Outreach and public information activities were expanded to include presentations made by the Office EEO Director to the Georgia Municipal Association, the Association of County Commissioners of Georgia and Georgia Metropolitan Organizations. The presentation apprised attendees of information concerning:

- Public Notice requirements
- GDOT Website (online access to information)
- E-News
- Newsletters to 3200+ members
- Training for City and County Municipalities
- Notice to all sub recipients and organizations for inclusion in publications
- Online direct comment to GDOT

The Assistant Administrators of the EEO Office made presentations on Affirmative Action, Diversity and Sexual Harassment prevention, and Disadvantage Business Enterprises orientation classes for newly certified DBEs.

## **Complaints**

The EEO Office received three Title VI complaints during this reporting period. Although one of the three complaints is from a prior reporting period, it was sent back to GDOT by FHWA HCR during this reporting period for further investigation. One investigative file was submitted to FHWA HCR in June for adjudication and final disposition. However, the remaining two complaints are still under investigation.

## **Data Collection and Reporting**

During this reporting period, the Office of Planning provided the Title VI Coordinator with statistical data that was prepared by Sycamore Consulting, Inc. The document is entitled *“Environmental Justice Identification and Proposed Outreach Report for Georgia State Transportation Improvement Program Fiscal Year 2007-2009 and Fiscal Year 2008-2011”*. The document not only identifies environmental justice populations but it also identifies the characteristics and locations of environmental justice population in the GDOT rural STIP area and outlines outreach strategies to involve everyone equally in the planning process.

## **GOALS FOR UPCOMING FISCAL YEAR 2010/2011**

### **Compliance Reviews**

Compliance reviews are an integral part of the Title VI Program’s oversight function. The Title VI Coordinator shall conduct plans to conduct compliance reviews in Headquarters and all District Offices during Fiscal Year 2011. In so doing, the Title VI staff is afforded an opportunity to:

- Provide technical assistance and guidance including those instances when corrective action is necessary.
- Monitor corrective action to ensure compliance.
- Maintain ongoing awareness of the Title VI Program to internal and external customers by performing on-site audits

### **Guidance Tools**

Publication of the new Title VI brochure will occur during this fiscal year for immediate distribution to all GDOT offices. The document will be printed in English and Spanish and will also be available on GDOT’s upcoming public website under Title VI. The brochure contains an overview of the entire Title VI Program inclusive of the Civil Rights Act of 1964, GDOT’s Title VI commitment, Title VI and Environmental Justice, Public Involvement, Title VI and Limited English Proficiency, Discrimination Prohibited under Title VI, Title VI Federal-Aid Contract provisions requirements and procedures for filing a Title VI complaint.

The Title VI website which will contain a wealth of public information comes into fruition during this fiscal year. Additionally, local governments will be able to view and/or download auditing forms and FHWA publications.

A broad based resource manual is being developed for distribution. The purpose of this guidance manual is to ensure that GDOT’s internal staff, department personnel, sub-recipients, contractors and consultants have processes in place to maintain quantifiable proof of Title VI compliance. Among the topics presented will be Title VI Program mandates, resources, tools, contacts and authority to carry out monitoring functions and data collection requirements pertinent to Title VI for use by transportation officials, GDOT sub recipients and staff. Pertinent laws, legislation,

executive orders and regulations governing the implementation of Title VI of the Civil Rights Acts of 1964 and related statutes will be identified therein.

### **Presentations and Training**

The most important goal for fiscal year 2011 is to provide the Title VI Coordinator with comprehensive Civil Rights Training. Learning tools under consideration include:

- Civil Rights conferences, symposiums and National Highway Institute course offerings pertinent to Title VI and related nondiscrimination laws, statutes, executive orders (EJ/LEP), regulations, and investigative procedures.

The successful implementation of GDOT's Title VI Plan is contingent upon the Title VI Coordinator's knowledge, understanding and appropriate application of the precepts identified under the Civil Rights Act of 1964 and its attendant nondiscrimination laws, regulations, statutes and executive orders.

Statewide training will continue and will include:

- Mandatory Title VI training for all GDOT employees, its sub recipients, consultants, local government and contractor.
- New Title VI slide presentation for internal use.
- New Title VI slide presentation for LAP training purposes.
- Assist the Title VI Interdisciplinary Team and Program Area Administrators with identifying and logging Title VI activities for inclusion in the Annual Accomplishment Report.

### **Performance Measures and Monitoring**

- Work with emphasis programs, Divisions, and Districts to develop, implement and improve self-monitoring activities.
- Standardize monitoring timeframes and procedures.
- Continuously develop, monitor, evaluate, reevaluate and revise when necessary Title VI Program performance measures.

### **Technical Assistance**

- Ongoing technical assistance will be provided.
- Revise the resource manual as appropriate.
- Develop a data base of all sub-recipients excluding contractors.
- New Title VI website for public and local government use.

## **Data Collection**

- Research, evaluate best practices for data collection and update resource manual accordingly.
- Assist internal and external customers develop and implement data collection and self-monitoring procedures.

## **ACCOMPLISHMENTS FOR FISCAL YEAR 2010/2011**

### **Title VI Interdisciplinary Team**

Interaction between the Interdisciplinary Team and the Title VI Coordinator was generally via email. However, direct involvement with various Title VI liaisons took place during the Technical Committee and Policy Meeting process, during Public Information Open House (PIOH) dry runs or while attending the PIOH, and while conducting Title VI departmental reviews. However, Liaisons were made aware of Title VI issues arising from GDOT's projects or activities within their respective headquarters or district office and have been extraordinarily helpful in providing Local Public Agencies (LPA) clarification on Title VI roles, duties and responsibilities. Members of the Interdisciplinary Team attended Federal Highway Administration's Title VI training class and GDOT's internal Title VI training classes. Liaison who participated in Title VI training, PIOH, or Technical and Policy meetings currently work in one of the following GDOT program areas:

- Office of Transportation Services Procurement
- Office of Training and Development
- Office of Environmental Services
- Office of Planning
- Office of Roadway Design and Design Policy & Support
- Office of Bridge Design
- Office of Right of Way
- Office of Research and Development
- Office of Construction
- 7 District Office Liaisons

During this reporting period, compliance reviews were conducted at Headquarters in the following core program areas:

- Construction Bidding
- Environmental Services
- Right-of-Way
- Planning
- Research

### **Presentations and Training**

The Title VI Coordinator attended the following training sessions and symposiums:

- FHWA Title VI Training for Local Governments
- FTA Title VI/DBE Training
- FTA DBE Training
- GDOT's Title VI/Environmental Justice – Instruction provided by NHI

- 2011 Civil Rights Symposium
- Developed New Title VI Presentation for Internal GDOT Training
- Developed New Title VI Presentation for LPA Training

The following Title VI training presentations were conducted by the Title VI Coordinator:

Seven (7) annual internal recurrent Title VI classes were conducted. Training was facilitated by the Title VI Coordinator. Participants work in one of the following GDOT offices: Headquarters, District Offices, Area Office, Office of Materials and Research, and TMC. Title VI training identified GDOT's duties and responsibilities inclusive of federal laws, regulations and effective practices GDOT core program areas were identified and discussed during the slide presentation. Six hundred forty two employees received Title VI training during this reporting period.

Eighty-four (84) City and Local Government participants attended Local Administered Project (LAP) classes during which Title VI and Disadvantage Business Enterprises (DBE) laws, regulations and complaint procedures were identified and addressed. LPA classes were administered by either the EEO Director, or the Title VI Coordinator and DBE Coordinator.

Sixty-five (65) GDOT sub-recipients received Title VI/DBE/ADA training. Title VI Self-Surveys and Title VI Assurances have been mailed to two hundred thirty five (235) LPAs for completion. One hundred fourteen (114) Title VI Self Surveys, one hundred two (102) Title VI Assurances and nine (9) Nondiscrimination Agreements were completed and received during FY 2010/2011.

The Assistant EEO Administrators made presentations on Affirmative Action, Diversity and Sexual Harassment prevention, and Disadvantage Business Enterprises orientation classes for newly certified DBEs. Americans with Disabilities Training was conducted by the GDOT's ADA coordinator.

## **Guidance Tools**

The Title VI website is interactive and provides the following information: Title VI brochures (Spanish and English), Title VI most commonly asked questions and answers, local government questionnaire, metropolitan planning office questionnaire, Title VI flyer, FHWA Title VI Handbook, Title VI Self Survey and Title VI complaint form, FHWA External Complaint Procedures.

## **Complaints**

The Title VI Specialist received five (5) Title VI complaints during this reporting period. Of the three decision rendered by FHWA HCR the findings were as follows: two (2) reached informal resolutions that were upheld by FHWA HCR and one (1), per GDOT's recommendation, was

dismissed as untimely. However, the remaining two complaints are undergoing adjudication by FHWA HCR.

## **Data Collection and Reporting**

The Title VI Coordinator reviewed NEPA files related to PIOH dry-runs or meetings attended during this reporting period. Environmental Service's outreach calendar, to which the Title VI Coordinator has direct access, identifies all proposed Public Information Open House dry-runs and meetings. Additionally, the Title VI Specialist accessed Environmental Services' work product database to review related project reports. Information found specific to each project includes NEPA related *discussions*, ecology data, public comments, certifications, FHWA comments, preliminary site review data, etc. During this report period, the Title VI Coordinator attended and audited two (2) PIOH meetings and three (3) PIOH dry-run meetings. Although each NEPA file identified specific data collected and the analytical methodologies used by Environmental Services, the Title VI Coordinator conducted an independent follow-up analysis of the project area taking into account demographic profiles, environmental justice concerns, statistical data and historic governmental impacts that potentially may have result from the proposed project. The process used by the Title VI Specialist entailed: researching the most current US Census information, contacting schools in the project area, reviewing information found on the Georgia Statistic System website, and when available checking local municipality demographic websites. Statistical assistance was provided by Environmental Services and/or the Office of Planning. Depending on the location of the proposed project, the Title VI Specialist acquired information from the Planning Office's latest outreach report entitled "*Environmental Justice Identification and Proposed Outreach Report for Georgia State Transportation Improvement Program Fiscal Year 2007-2009 and Fiscal Year 2008-2011*". The document identifies environmental justice populations and the characteristics and locations of environmental justice population in the GDOT rural STIP area and outlines outreach strategies to involve everyone equally in the decision-making process. Perceived inconsistencies and/or concerns were discussed with Planning and Environmental Services, however, perceived inconsistencies or misconceptions were resolved.

Statistical data was accessed via the following websites: the Regional Development Commission, US Census Data website, Metropolitan Planning Organizations, the Georgia Statistic System. Demographic information was also obtained by checking local municipality websites.

## **Remedial Action**

The purpose of sanctions is to deter noncompliant Title VI practices. However, the sub-recipient must understand Identify and extinguish Title VI noncompliance violations requires having sanctions in place to deter noncompliance. Factor to consider include:

- On-site Title VI Audit findings
- Notice to sub-recipient identifying the violation
- Timeframe for resolving deficiency must not exceed 90 days

- Whether the sub-recipient voluntarily seeks assistance or guidance to correct the deficiency;
- Refusal by the sub-recipient to comply;
- FHWA approval of the remedial process and authorization to move forward with US DOT compliance measures
- Implementation of US DOT 49 CFR § 21.13 (Procedure for effecting compliance) if sub-recipient refuses to comply

## **GOALS FOR UPCOMING FISCAL YEAR 2011/2012**

### **Compliance Reviews**

Although compliance reviews are an integral part of the Title VI Program's oversight function. Before moving forward with compliance reviews, all sub-recipient (LPAs) are being informed of their Title VI roles, duties and responsibilities. The first training session occurred in April 2011 and was repeated in May and June of 2011. During each training session, attendees are advised that compliance reviews will commence in six (6) to eight (8) months following training allowing each LPA ample time to implement its Title VI program prior to the on-site review. The first round of Title VI reviews will commence during October or November 2011. Four (4) to Six (6) reviews shall be completed monthly. As previously mentioned in the Accomplishment Section under "Presentations and Training", the Title VI Coordinator perceives LPA Title VI training, Title VI document completion and on-site audits as necessary reoccurring events to increase Title VI awareness and to ensure Title VI compliance throughout Georgia.

During Fiscal Year 2012, there will be two (2) Title VI Coordinators. Thus, core program reviews will include nine core program areas: conduct core program area compliance reviews in Headquarters and District Title VI liaisons shall audit all their respective District Office core program areas as well. The auditing process will afford Title VI staff an opportunity to:

- Provide technical assistance and guidance including those instances when corrective action is necessary.
- Monitor corrective action to ensure compliance.
- Maintain ongoing awareness of Title VI Program requirements by performing internal and external on-site audits.

Pre-award and post-award reviews strategies and methodologies to ensure that recipients have submitted assurances of Title VI compliance and to determine whether the prime contractors operates in a discriminatory manner will be conducted. The process of identify prospective awardees shall include but is not limited to the following:

- Attending let meetings to identify the proposed awardees of a proposed project (local, GDOT, transportation enhancement, traffic operations, LCI, etc);
- Accessing the Office of Contract Bidding's unofficial bid results website which provides the names of potential sponsors and contractors;



- Receiving transportation enhancement project award lists before Sponsor's are notified of the award;
- Conducting pre-award on-site or desk-audit reviews.
- To ensure that the recipient remains in compliance with Title VI, a periodic post review of the prime contractor will be conducted.

## **Guidance Tools**

In response to requests made by numerous local governments who expressed a desire to collectively work together to achieve Title VI compliance, the Title VI Coordinator will provide additional Title VI training classes hosted by different local governments.

GDOT's Title VI website will be updated to include the following:

- The newly revised Spanish version of the Title VI brochure,
- New FHWA external complaint procedures, Title VI compliance manual for GDOT personnel, LPAs, consultants and contractors

A Title VI compliance manual is being developed. Distribution plans include uploading the manual on GDOT's Title VI website and/or distributing the manual to GDOT's sub-recipients, Title VI Liaisons and Department Administrators. The purpose of this guidance manual is to ensure that GDOT's internal staff, sub-recipients, contractors and consultants have processes in place to maintain quantifiable proof of Title VI compliance. Among the topics presented will be Title VI Program mandates, resources, contacts, authority to carry out monitoring functions, data collection website links, spreadsheets and information pertinent to Title VI. Pertinent laws, legislation, executive orders and regulations governing the implementation of Title VI of the Civil Rights Acts of 1964 and related statutes will be identified therein.

## **Performance Measures and Monitoring**

- Assist core programs area Headquarters and District Office personnel to develop, implement and improve self-monitoring activities.
- Standardize monitoring timeframes, spreadsheets and procedures.
- Periodically review established performance measures for effectiveness.
- Revise self-monitoring activities as necessary to improve self-monitoring activities if necessary.

## **Technical Assistance**

- Ongoing technical assistance will be provided.
- Include Title VI resource in the Title VI compliance manual.
- Merge sub-recipient data bases into one program
- Ongoing Title VI website updating for public and local government use.

## **Data Collection**

- Research: evaluate best practices for data collection, identify credible data sources and update resource manual accordingly.
- Assist internal and external customers develop and implement data collection strategies and self-monitoring procedures.

## GDOT Title VI Assurances

The Georgia Department of Transportation (hereinafter referred to as the “Recipient” or “GDOT”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:

“The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

---

Vance C. Smith, Jr.  
Commissioner

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Date

Attachments: Appendices A, B and C.

## APPENDIX A

**The text below, in its entirety, is in all contracts entered into by GDOT. All of the text except the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any GDOT contractor.**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

### **1. Compliance with Regulations**

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

### **2. Nondiscrimination**

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

### **3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, or national origin.

### **4. Information and Reports**

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Georgia Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Georgia Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

### **5. Sanctions for Noncompliance**

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the Georgia Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or

b. Cancellation, termination, or suspension of the contract, in whole or in part.

**6. Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the Georgia Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Georgia Department of Transportation to enter into such litigation to protect the interests of the Georgia Department of Transportation and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

**The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.**

### **Granting Clause**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Georgia Department of Transportation will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Georgia Department of Transportation all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **Habendum Clause**

TO HAVE AND TO HOLD said lands and interests therein unto Georgia Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Georgia Department of Transportation, its successors and assigns.

The Georgia Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the Georgia Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.<sup>1</sup>

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<sup>1</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

**The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Georgia Department of Transportation pursuant to the provisions of Assurance 6(a).**

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Georgia Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Georgia Department of Transportation shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Georgia Department of Transportation and its assigns.

**The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Georgia Department of Transportation pursuant to the provisions of Assurance 6(b).**

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, SubTitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation



- Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Georgia Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, Georgia Department of Transportation shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Georgia Department of Transportation and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by GDOT or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies include punitive damages or compensatory remuneration for the complainant.

However, every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. During initial interviews with the complainant and the respondent information regarding specifically requested relief and settlement opportunities will be discussed and noted.

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to Discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with GDOT's Title VI Coordinator, the Federal Highway Administration, Civil Rights Specialist, in the Atlanta Georgia Regional Office or with the Department of Justice. Complaints filed against GDOT shall be forwarded to the Federal Highway Administration, Civil Rights Specialist for investigation and adjudication. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant and must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s) or his representative.
  - b. Include complainant's name, address and telephone number, date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct). Should a third party write and sign the complaint on behalf of complainant, include that person's name, address, telephone number and his/her relationship to complainant. If complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.
  - c. Provide the name of the alleged discriminatory institution, official, job title and a description of the issues, including names of witnesses or anyone who can clarify the circumstances surrounding your complaint.
  - d. Complaints received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. Otherwise, Title VI complaints may be mailed or hand delivered to GDOT's EEO Office for processing.

- e. Allegations received by telephone will be reduced to writing and provided to the complainant for additional information and/or revision. A Title VI complaint form will subsequently be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.
2. Within five (5) days of receipt of the complaint, the Title VI Coordinator will mail an acknowledgement letter to complainant and forward a copy of the letter and the complaint to FHWA HCR. A determination of GDOT's jurisdiction, need for additional information, as well as the investigative merit of the complaint will be made by the FHWA HCR. Federal Highway Administration's Headquarter Civil Rights Office shall assign a control number and adjudicate the case upon receipt of the completed investigative file. Complaints processed by Georgia DOT are bound by the time frames outlined in 23 CFR 200.9(b) (3).
3. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
4. The complaint will be logged in and shall identify its basis and alleged harm along with the race, color, national origin, and gender of the complainant.
5. In cases where GDOT assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to submit his/her response to the allegations to the Title VI Coordinator.
6. Within 60 calendar days of the acceptance of the complaint, the Title VI Investigator will prepare an investigative report inclusive of a narrative description of the incident, all evidentiary support documentation from each party, identification of persons interviewed, findings, and recommendations for disposition for review by the EEO Assistant Administrator before submitting the file to FHWA HCR.
7. Once review by the EEO Assistance Administrator is complete, the file will be submitted to FHWA HCR in Washington DC for adjudication. FHWA HCR will apprise all parties involved of its record of decision and appeal rights.
8. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal GDOT's opinion to the FHWA — Georgia Division Office, USDOT or USDOJ. Appeals must be filed within 180 days after GDOT's final resolution. Unless new facts not previously considered come to light, reconsideration of GDOT's opinion will not be available.



## GEORGIA DEPARTMENT OF TRANSPORTATION

### Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to Equal Employment Opportunity Division: Ms. Carol Barnett, Title VI Coordinator, Georgia Department of Transportation, 600 West Peachtree Street, N.W., 7<sup>th</sup> Floor, GA 30308

1. Complainant's Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. City, State and Zip Code \_\_\_\_\_
4. Telephone Number (home) \_\_\_\_\_ (business) \_\_\_\_\_
5. Person discriminated against (if someone other than the complainant)  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State and Zip Code \_\_\_\_\_
6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:  
a. Race/Color \_\_\_\_\_  
b. National Origin \_\_\_\_\_  
c. Other \_\_\_\_\_
7. What date did the alleged discrimination take place? \_\_\_\_\_

9. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

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10. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, check all that apply:

\_\_\_\_\_ Federal agency \_\_\_\_\_ Federal court \_\_\_\_\_ State agency \_\_\_\_\_ State court  
\_\_\_\_\_ Local agency

11. Please provide information about a contact person at the agency/court where the complaint was filed.

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

12. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

### III. AUTHORITIES

- **Title VI of the 1964 Civil Rights Act**, 42 U.S.C. 2000 provides in section 601 that: “No person in the United States shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability. The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, 42 U.S.C. 4601, provides for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.
- **Section 162(a) of the Federal-aid Highway Act of 1973**, (Section 324, Title 23 U.S.C.) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Section 504 of the Rehabilitation Act of 1973** No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.
- **The Age Discrimination Act of 1975**, as amended 42 U.S.C. 6101, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- **The Civil Rights Restoration Act of 1987**, P.L. 100-209—clarifies the original Congressional intent of Congress in implementing the Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not)
- **The Americans with Disabilities Act of 1990**, P.L. 101-336, provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” The legislative intent is to provide enforceable standards to address discrimination against people with disabilities.
- **USDOT ORDER 1050.2** – Standard Title VI Assurances
- **Executive Order 12898** (issued February 11, 1994) – Addresses Environmental Justice in Minority Populations and Low Income Populations.

## Appendix A

- **Executive Order 13166** (August 16, 2000) – requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency.
- **28 CFR Part 50.3** – DOJ’s Guidelines for the enforcement of Title VI, Civil Rights Act of 1964
- **23 CFR Part 200** – FHWA’s Title VI Program Implementation and Review Procedures

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## **Notice to Public**

### **Title VI Notice to the Public**

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is the public notice used by the Georgia Department of Transportation.

Georgia Department of Transportation hereby gives public notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The complaint must be filed in writing or in person with Georgia Department of Transportation, Title VI Coordinator, within one hundred-eighty (180) days from: the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI Discrimination Complaint Forms may be obtained from the Equal Opportunity Division by calling (404) 631-1280





## GEORGIA DEPARTMENT OF TRANSPORTATION

### Title VI Compliance Questionnaire for Local Agencies

**Local Agency:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name/Title:** \_\_\_\_\_

#### I. Administration

##### A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.
2. How many federally funded projects have you managed during the last two years? Dollar amount?
3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.
4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

##### B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?
2. Have you received any Title VI related complaints during the past two years? If so, how many? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.

## Appendix C

3. Do you have a Title VI Notice to Public? If so, please provide copy.

### **C. Training**

1. Has your staff received any training (formal or informal) regarding Title VI?

2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

## **II. Planning Activities**

### **A. Public Involvement**

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?

2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?

3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?

4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

## **III. Consultant Contracts Activities**

1. Are Title VI assurances and provisions included on consultant contracts?

2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?

## Appendix C

3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

### **IV. Design/Environmental Activities**

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?

2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?

3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?

4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

### **V. Right of Way Activities**

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?

2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?

3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?

## Appendix C

4. Are all values and communications associated with appraisals conducted in an equitable fashion?
5. Do deeds, permits, and leases contain Title VI compliance clauses?
6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

### **VI. Construction and Maintenance Activities**

1. Are contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?
3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?
4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?



## GEORGIA DEPARTMENT OF TRANSPORTATION

### Title VI Compliance Questionnaire for Planning Organizations

**MPO/RDC:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name/Title:** \_\_\_\_\_

#### I. Administration

##### A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
2. Provide makeup of the planning organization's Board of Directors by race, color, gender or national origin. Identify the voting members.
3. Describe the various programs administered by the planning organization and their funding sources.
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

##### B. Complaint Procedure

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?
2. Have you received any Title VI related complaints during the past two years? How many? Outcome? Any Title VI complaint lodged by beneficiaries or participants? Explain issues involved.
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

## Appendix D

### **C. Training**

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

## **II. Planning Process**

### **A. Public Involvement**

1. To what extent citizen participation has been provided in the transportation planning process? Any policy in that regard? Explain.
2. Citizen Advisory Committees: How are the members selected? For how long? What is their make up in terms of race, color, national origin, sex, and position?
3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?

### **B. Hearings**

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?

## Appendix D

4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

### **C. Procurement of Contracts**

1. How are the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?

2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?

3. Do you keep record of DBE firms during the RFP process? Provide list.

4. How does the planning organization promote the participation of qualified minority/women consultants?

5. How does the planning organization monitor consultant's adherence with Title VI requirements?

6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.

7. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? DBEs?

### **D. Environmental Impact**

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.

2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.

## Appendix D

3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?

4. Are these efforts documented? If so, please provide documentation.

5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.





## GEORGIA DEPARTMENT OF TRANSPORTATION

**Title VI Self-Survey:** \_\_\_\_\_  
YEAR

Survey Date: \_\_\_\_\_

Name of Program/Grant: \_\_\_\_\_

### Summary of Complaints:

Number of complaints for the past year: \_\_\_\_\_

Number of complaints voluntarily resolved: \_\_\_\_\_

Number of complaints currently unresolved: \_\_\_\_\_

Attach a summary of any type of complaint and provide:

- Name of complainant
- Race
- Charge
- Findings
- Corrective Action
- Identify any policy/procedure changes required as a result of the complaint
- Provide the date history (date complaint received through resolution)

### Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do new employees receive this information via employee orientation?

Yes \_\_\_\_\_ No \_\_\_\_\_

Is Title VI information provided to all employees and program applicants?

Yes \_\_\_\_\_ No \_\_\_\_\_

## Appendix E

Is Title VI information prominently displayed in the organization and on any program materials distributed?

Yes \_\_\_\_\_

No \_\_\_\_\_

Identify any improvements you plan to implement before the next self-survey to better support Title VI communication to employees and program applicants.

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Identify any problems encountered with Title VI compliance.

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Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Return to: Georgia Department of Transportation  
Equal Employment Opportunity Division  
600 West Peachtree Street, N.W., 7<sup>th</sup> Floor  
Atlanta, GA 30334-1002  
PHONE: (404) 631-1280  
FAX: (404) 631-1943  
ATTENTION: Carol Barnett